

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION
DOCKET NO. CV-1:05-cv-11694

ERIC C. PEARCE,)	
)	
Plaintiff)	
)	
v.)	AMENDED MOTION TO DISMISS BY
)	DEFENDANTS AEGIS HANDMADE
KEITH BAUMM, et al.,)	CARBON FIBER BICYCLES, LLC, AEGIS
)	RACING BIKES USA, LLC, AND
)	FASTBIKES USA, LLC
Defendants.)	

Defendants Aegis Handmade Carbon Fiber Bicycles, LLC (“Aegis Handmade”), Aegis Racing Bikes USA, LLC (“Aegis Racing”), and Fastbikes USA, LLC (“Fastbikes”) (collectively, the “Moving Defendants”), by and through the undersigned counsel, move to dismiss all causes of action asserted against them pursuant to Fed.R.Civ.P. Rule 12(b)(6), for failure to state a claim upon which relief may be granted, and pursuant to Fed.R.Civ.P. Rule 12(b)(2), on the grounds that this court lacks personal jurisdiction over the Moving Defendants.

The sole amendment made to this Motion is that the undersigned counsel hereby certifies to the Court pursuant to Local Rule 7.1 that he has conferred with counsel for the Plaintiff in a good-faith effort to resolve or narrow the issues raised by this Motion. Counsel for Plaintiff does not consent to the dismissal of Plaintiff's causes of action against the Moving Defendants.

The Moving Defendants are filing herewith their memorandum in support of this Motion.

WHEREFORE, Defendants Aegis Handmade Carbon Fiber Bicycles, LLC, Aegis Racing Bikes USA, LLC, And Fastbikes USA, LLC request that all causes of action against them be

dismissed with prejudice, and that they be awarded the costs of this action, and request such other or further relief as the Court may deem just or appropriate.

REQUEST FOR ORAL ARGUMENT

The Moving Defendants request the opportunity for oral argument with respect to this Motion.

DATED at Portland, Maine this 19th day of July, 2007.

/s/ Paul R. Johnson

Paul R. Johnson, Esq.

BBO # 546165

Attorney for Aegis Handmade Carbon Fiber
Bicycles, LLC, Aegis Racing Bikes USA,
LLC, And Fastbikes USA, LLC

RICHARDSON, WHITMAN, LARGE & BADGER

465 Congress Street

P. O. Box 9545

Portland, ME 04112-9545

(207) 774-7474

pjohnson@rwlb.com

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the following registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants, on this 19th day of July, 2007.

Sergio C Deganis

Ouellette, Deganis & Gallagher, LLC

143 Main Street

Cheshire, CT 06410

203-272-1157

Email: Sdeganis@ODGWLAW.com

James D. Poliquin

Norman, Hanson & DeTroy

P.O. Box 4600

415 Congress Street

Portland, ME 04112
(207) 774-7000

Brian H. Sullivan
Sloane & Walsh
3 Center Plaza
Boston, MA 02108
617-523-6010
Email: bsullivan@sloanewalsh.com

William J. Dailey, Jr.
Sloane & Walsh, LLP
Three Center Plaza
Boston, MA 02108
617-523-6010
Email: wdaileyjr@sloanewalsh.com

Christopher A Callanan
Campbell, Campbell, Edwards & Conroy, PC
One Constitution Plaza
Boston, MA 02129
617-241-3057
Email: ccallanan@campbell-trial-lawyers.com

James B. Vogts
Wildman, Harrold, Allen & Dixon LLP
225 West Wacker Drive
Chicago, IL 60606-1229
312-201-2670
Email: vogts@wildman.com

Richard L. Edwards
Campbell, Campbell, Edwards & Conroy, PC
One Constitution Plaza
Boston, MA 02129
617-241-3000
Email: redwards@campbell-trial-lawyers.com

Terrance J. Hamilton
Casner & Edwards, LLP
303 Congress Street
Boston, MA 02210
617-426-5900
Email: tjhamilton@casneredwards.com

/s/ Paul R. Johnson